

The Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
KEVIN BALCH,  
Defendant.

NO. CR23-122-RSM

## **PRELIMINARY ORDER OF FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Kevin Balch's interest in the following property ("Subject Property"):

1. A black Google Pixel 4a with IMEI: 358119101457048; and
2. A white Google Pixel XL with IMEI: 352530087952727.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate because:

- The Subject Property is forfeitable pursuant to 18 U.S.C. §2253(a) because it constitutes property used to commit or facilitate the Defendant's commission of *Possession of Child Pornography*, in violation of 18 U.S.C.

1           §§ 2252(a)(4)(B) and (b)(2), or is property constituting or derived from  
 2           proceeds of those offenses, or consists of prohibited data files; and,

3           • Pursuant to the Plea Agreement he entered on August 12, 2024, the  
 4           Defendant agreed to forfeit his interest in the Subject Property, pursuant to  
 5           18 U.S.C. § 2253(a). Dkt. No. 20, ¶ 13.

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7           NOW, THEREFORE, THE COURT ORDERS:

8           1. Pursuant to 18 U.S.C. § 2253(a), and his Plea Agreement, Defendant  
 9           Balch's interest in the Subject Property is fully and finally forfeited, in its entirety, to the  
 10           United States;

11           2. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will  
 12           be final as to the Defendant at the time he is sentenced, it will be made part of the  
 13           sentence, and it will be included in the judgment;

14           3. The United States Department of Justice, Department of Homeland  
 15           Security, and/or its authorized agents or representatives ("ICE"), shall maintain the  
 16           property in their custody and control until further order of this Court. ICE shall destroy  
 17           any prohibited images unless they have been destroyed already or will be retained for  
 18           official, investigative use, as permitted by 21 U.S.C §§ 853(i) and 881(e);

19           4. Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the  
 20           United States shall publish notice of this Preliminary Order and its intent to dispose of the  
 21           Subject Property as permitted by governing law. The notice shall be posted on an official  
 22           government website—currently, [www.forfeiture.gov](http://www.forfeiture.gov)—for at least thirty (30) days. For  
 23           any person known to have alleged an interest in the property, the United States shall also,  
 24           to the extent possible, provide direct written notice to that person. The notice shall state  
 25           that any person, other than the Defendant, who has or claims a legal interest in the  
 26           property must file a petition with the Court within sixty (60) days of the first day of  
 27           publication of the notice (which is thirty (30) days from the last day of publication), or

1 within thirty (30) days of receipt of direct written notice, whichever is earlier. The notice  
2 shall advise all interested persons that the petition:

- a. shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property;
- b. shall be signed by the petitioner under penalty of perjury; and
- c. shall set forth the nature and extent of the petitioner's right, title, or interest in the property, as well as any facts supporting the petitioner's claim and the specific relief sought.

9       5.     If no third-party petition is filed within the allowable time period, the  
10   United States shall have clear title to the Subject Property, and this Preliminary Order  
11   shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

12       6.     If a third-party petition is filed, upon a showing that discovery is necessary  
13 to resolve factual issues it presents, discovery may be conducted in accordance with the  
14 Federal Rules of Civil Procedure before any hearing on the petition is held. Following  
15 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,  
16 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that  
17 adjudication; and

18       7.     The Court will retain jurisdiction for the purpose of enforcing this  
19 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of  
20 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to  
21 Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED.

DATED this 8<sup>th</sup> day of November, 2024.



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**RICARDO S. MARTINEZ**  
**UNITED STATES DISTRICT JUDGE**

1 Presented by:  
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